

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:15

ANSWERED ON:16.11.2016

Shortage of Judges

Majhi Shri Balabhadra;Ray Dr. Ravindra Kumar

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the delivery of speedy justice is being affected owing to the shortage of Judges in the country and, if so, the details thereof along with the number of vacant posts of Judges in various courts;
- (b) the number of pending cases in various courts in the country;
- (c) whether the Government has prepared any action plan for speedy disposal of such cases and if so, the modus operandi chalked out in this regard along with time frame drawn for the purpose;
- (d) whether any time assessment has been made for disposal of all pending cases with present manpower and if so, the details thereof; and
- (e) the measures taken by the Government to fill the vacant posts of judges including women judges?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) of LOK SABHA STARRED QUESTION NO. *15 FOR ANSWER ON 16TH NOVEMBER, 2016.

(a) to (e) : Timely disposal of cases in courts depends on several factors which, inter-alia, include availability of adequate number of judges, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures.

The sanctioned strength of judges in the Supreme Court is 31 and 5 posts of judges are vacant as on 10.11.2016. The sanctioned strength of judges in the High Courts has been increased from 906 in June, 2014 to 1079 in November 2016. 442 posts of judges in the High Courts are vacant as on 10.11.2016. The matters relating to sanctioned strength and filling up of the vacancies of judges / judicial officers in District and Subordinate Courts fall within the domain of State Governments and the High Courts. The sanctioned strength of Judges / Judicial officers in District and Subordinate Courts stood at 21,320 as on 30.06.2016. Out of these 16,383 posts were filled up, leaving 4,937 vacancies. The Central Government has been taking up the matter of increasing the sanctioned strength of judges / judicial officers and filling up of vacancies in District and Subordinate Courts with the State Governments and the High Courts from time to time.

As per information available, 61,436 cases were pending in the Supreme Court as on 31.10.2016. 38.70 lakh cases were pending in the High Courts and 2.70 crore cases were pending in District and Subordinate Courts as on 31.12.2015. Disposal of cases in courts is within the domain of judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for courts including computerisation, increase in strength of judicial officers / judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

The Supreme Court in its Order dated 1st February, 2012 in the case of Intiyaz Ahmed versus State of Uttar Pradesh asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. Pursuant to this Law Commission submitted its 245th Report titled "Arrears and Backlog: Creating Additional Judicial (wo)manpower". In this report, the Law Commission has observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the "Rate of Disposal" method to calculate the number of additional judges required to clear the backlog of case as well as to ensure that new backlog is not created, is more pragmatic and useful.

In May, 2014, the Supreme Court asked the State Government and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS) constituted by it in 2012 to examine the recommendations made by the Law Commission and to furnish their recommendations in this regard. NCMS submitted its report to the Supreme Court in March, 2016. It has, inter-alia, observed that in

the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of "Judicial Hours" required for disposing of the case load of each court. In the interim, this Committee has proposed a "weighted" disposal approach – disposal weighted by the nature and complexity of cases in local conditions. The matter is sub-judice before the Supreme Court.

The fresh appointments to the higher judiciary could not be made during the period the constitutional validity of National Judicial Appointment Commission was sub-judice. However, after pronouncement of the judgement of the Supreme Court, while working on the new draft of Memorandum of Procedure, Government took initiative to resume the process of appointments and during 2016, from 01.01.2016 to 10.11.2016, 4 Judges have been appointed in the Supreme Court, 124 Additional Judges have been made Permanent and 105 fresh appointments of Judges have been made in various High Courts. The Government has been requesting the Chief Justices of the High Courts to take into consideration suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Minorities and from women while sending proposals for appointment of Judges.